

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill Nos. 70 & 128, Page 20, Section 335.175, Line 31, by inserting after said section and
3 line the following:
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5 "338.010. 1. The "practice of pharmacy" means the interpretation, implementation, and
6 evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353;
7 receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the
8 designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by
9 the prescription order so long as the prescription order is specific to each patient for care by a
10 pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices
11 pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles,
12 hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol
13 authorized by a physician for persons at least seven years of age or the age recommended by the
14 Centers for Disease Control and Prevention, whichever is higher, or the administration of
15 pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral
16 influenza vaccines by written protocol authorized by a physician for a specific patient as authorized
17 by rule; the participation in drug selection according to state law and participation in drug utilization
18 reviews; the proper and safe storage of drugs and devices and the maintenance of proper records
19 thereof; consultation with patients and other health care practitioners, and veterinarians and their
20 clients about legend drugs, about the safe and effective use of drugs and devices; the dispensing of
21 self-administered oral hormonal contraceptives under section 338.720; and the offering or
22 performing of those acts, services, operations, or transactions necessary in the conduct, operation,
23 management and control of a pharmacy. No person shall engage in the practice of pharmacy unless
24 he is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit
25 the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the
26 pharmacist in any of his or her duties. This assistance in no way is intended to relieve the
27 pharmacist from his or her responsibilities for compliance with this chapter and he or she will be
28 responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter
29 shall also not be construed to prohibit or interfere with any legally registered practitioner of
30 medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of
31 optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding,
32 administering, prescribing, or dispensing of his or her own prescriptions.

33 2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall
34 have a written protocol from the physician who refers the patient for medication therapy services.
35 The written protocol and the prescription order for a medication therapeutic plan shall come from
36 the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement

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1 under section 334.104, or from a physician assistant engaged in a supervision agreement under
2 section 334.735.

3 3. Nothing in this section shall be construed as to prevent any person, firm or corporation
4 from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed
5 pharmacist is in charge of such pharmacy.

6 4. Nothing in this section shall be construed to apply to or interfere with the sale of
7 nonprescription drugs and the ordinary household remedies and such drugs or medicines as are
8 normally sold by those engaged in the sale of general merchandise.

9 5. No health carrier as defined in chapter 376 shall require any physician with which they
10 contract to enter into a written protocol with a pharmacist for medication therapeutic services.

11 6. This section shall not be construed to allow a pharmacist to diagnose or independently
12 prescribe pharmaceuticals.

13 7. The state board of registration for the healing arts, under section 334.125, and the state
14 board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of
15 protocols for prescription orders for medication therapy services and administration of viral
16 influenza vaccines. Such rules shall require protocols to include provisions allowing for timely
17 communication between the pharmacist and the referring physician, and any other patient protection
18 provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved
19 by a majority vote of a quorum of each board. Neither board shall separately promulgate rules
20 regulating the use of protocols for prescription orders for medication therapy services and
21 administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in
22 section 536.010, that is created under the authority delegated in this section shall become effective
23 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
24 section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested
25 with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to
26 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
27 authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

28 8. The state board of pharmacy may grant a certificate of medication therapeutic plan
29 authority to a licensed pharmacist who submits proof of successful completion of a board-approved
30 course of academic clinical study beyond a bachelor of science in pharmacy, including but not
31 limited to clinical assessment skills, from a nationally accredited college or university, or a
32 certification of equivalence issued by a nationally recognized professional organization and
33 approved by the board of pharmacy.

34 9. Any pharmacist who has received a certificate of medication therapeutic plan authority
35 may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic
36 plan as defined by a prescription order from a physician that is specific to each patient for care by a
37 pharmacist.

38 10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic
39 substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol
40 or the physician's prescription order.

41 11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine",
42 "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent
43 title means a person who has received a doctor's degree in veterinary medicine from an accredited
44 school of veterinary medicine or holds an Educational Commission for Foreign Veterinary
45 Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

46 12. In addition to other requirements established by the joint promulgation of rules by the
47 board of pharmacy and the state board of registration for the healing arts:

48 (1) A pharmacist shall administer vaccines by protocol in accordance with treatment
49 guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's primary health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

338.720. 1. For purposes of this section, "self-administered oral hormonal contraceptive" shall mean a drug composed of a combination of hormones that is approved by the Food and Drug Administration to prevent pregnancy and that the patient to whom the drug is prescribed may take orally.

2. A pharmacist may dispense self-administered oral hormonal contraceptives to a person who is eighteen years of age or older under a prescription order for medication therapy services as described in section 338.010. A prescription order for a self-administered oral hormonal contraceptive shall have no expiration date.

3. The board of pharmacy, under section 338.140, and the board of registration for the healing arts, under section 334.125, shall jointly promulgate rules regulating the use of protocols for prescription orders for self-administered oral hormonal contraceptives. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

4. The rules adopted under this section shall require a pharmacist to:

(1) Complete a training program approved by the board of pharmacy that is related to prescribing self-administered oral hormonal contraceptives;

(2) Provide a self-screening risk assessment tool that the patient shall use prior to the pharmacist's prescribing the self-administered oral hormonal contraceptive;

(3) At least once every twelve months refer the patient to the patient's primary care practitioner or women's health care practitioner, or the physician with whom the pharmacist has a prescription order, before dispensing the self-administered oral hormonal contraceptive to the patient;

(4) Provide the patient with a written record of the self-administered oral hormonal contraceptive dispensed and advise the patient to consult with a primary care practitioner or women's health care practitioner; and

1 (5) Dispense the self-administered oral hormonal contraceptive to the patient as soon as
2 practicable.

3 5. All state and federal laws governing insurance coverage of contraceptive drugs, devices,
4 products, and services shall apply to self-administered oral hormonal contraceptives dispensed by a
5 pharmacist under this section.

6 6. The provisions of this section shall terminate upon the enactment of any laws allowing
7 the provision of oral hormonal contraceptives from a pharmacist without a prescription.

8 7. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic
9 substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol
10 or the physician's written prescription order."; and

11
12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.